**6.6 What is Evidence**

The evidence you are to consider in deciding what the facts are consists of:

First, the sworn testimony of any witness; [and]

Second, the exhibits received in evidence[.] [; and]

[Third, any facts to which the parties have agreed.]

**Comment**

“When parties have entered into stipulations as to material facts, those facts will be deemed to have been conclusively established.” *United States v. Houston,* 547 F.2d 104, 107 (9th Cir. 1976); *see also United States v. Mikaelian*, 168 F.3d 380, 389 (9th Cir. 1999).

*Revised Dec. 2017*